

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

March 31, 2003

PRESENT: Tom Cowan, Chair
Mark Decker, Co-Chair
Terry Janicz
Andy Kelkenberg
Rick Meahl
Don Hoeffler
John Potera
Christine Falkowski, Planning Board Clerk

The meeting was called to order by Tom Cowan at 7:30 PM.

Pre-Application for Cell Tower – SBA Network Services and AT&T Wireless

Gary Ferrara and Jackie Heagney of SBA, Inc. along with legal counsel representing AT&T were present. There are unfortunately no existing co-location sites available north of the Village; therefore, they are looking for a new site for a tower height of 280' (twice as tall as Kelly Schultz property). Co-location would be possible for up to five or six. A lattice tower is more likely than a monopole, and a guyed tower would require more land to lease. Their search ring map contains a circle in the area of Hunts Corners, Lewis, Meahl and Rapids Roads with Route 93 at the center. Town-owned property with the least population would be ideal. If they find that they must stay within the search ring, the land is flat, contains creeks, and is densely populated especially closer to the Village. Due to the proximity to the Akron Airport, special lighting and FAA approval may be necessary. The tower would be contained by a 100x100 sq. ft. fenced compound. Our Code requires a 175' maximum height. Pavilion, New York has a 980' tower. Possibilities discussed: Chuck Karcher's land, Scott Allen (old racetrack), Village sewage treatment plant. Becky Baker was the designated "point person" for processing information.

Niagara Mohawk Substation on Knapp Road

Mark Agle stated that they exchanged acreage with a neighbor. He presented the revised plans showing a security fence, gated driveway and screening vegetation. The Board recommended site plan approval. Upon notification of approval, Mark will speak to Frank about plan review and permits.

Minor Subdivision Approval – Dorsch Road – James Kidder

This split fits all parameters, especially the sale of three pieces in five years. John made a motion to approve, seconded by Don and all approved.

Site Plan Review – Kelly Schultz – 11145 Main Road

Andy excused himself in his role as Planning Board member. Full site plan was not available, but Andy presented preliminary plans. They want to add on a front porch with a concession stand at the center. They will have to remove a tree, and John would like to see more trees planted. A complete site plan packet from Schutt is forthcoming.

Andy motioned to accept the minutes from the March 17th meeting, seconded by John and all approved.

Pre-Application - 11678 Main Road – Kevin Gaik

Kevin stated that he sells one car at a time, but his main business is a locating service. He keeps a few vehicles in the back out of sight. Kevin also sells snowmobiles, golf carts, etc. He would now like to sell accessories, such as helmets, spark plugs and oil out of his garage. The Board recommends that Kevin apply for site plan approval for a Special Permit (four copies) showing equipment inventory, parking locations, sign location, lighting, landscaping, etc. A packet was given to him.

Minor Subdivision Application – Dorsch Road – Lynn Jensen

She is splitting off a lot on the east side of her property and it is the second split. Tom motioned to approve the subdivision, seconded by Terry and all approved.

Overlay Zone Proposal

Tom motioned to recommend a moratorium of one year on permits for used auto dealerships in the C-2 zone, seconded by John and all approved. This is an effort to slow down this use prior to development of an overlay zone in the C-2 district (such as requiring 400' frontage vs. 100').

The Zoning Report was reviewed.

County Line Stone – Excavation Permit Conditions

The Board reviewed the conditions proposed by the Conservation Advisory Council. Terry motioned to recommend that the Town Board issue an annually renewal excavation permit to County Line Stone Co., Inc., 4515 Crittenden Road, Akron, NY 14001 to include the following conditions, seconded by Don and all approved:

1. All work shall be performed in conformance with DEC Permit No. 9-1456-00004/00013 dated March 2, 2003.
2. Fees shall be as specified in section 45-7 of the Code of the Town of Newstead.
3. County Line Stone shall participate with the Town of Newstead Conservation Advisory Council in a groundwater study.
4. County Line Stone shall provide the Town of Newstead Code Enforcement Officer with a copy of all NYSDEC correspondence relating to mining activities.
5. County Line Stone shall conduct a review of operations conformance with the Town of Newstead at the expiration date of the referenced permit (March 21, 2008) and as a minimum at five year increments following.

Zoning Board of Appeals – Review Requests

Abraham – area variance to add garage to original garage located 5.9’ from property line vs. required 10’. The Board would advise obtaining neighbors comments along with Frank’s advice relative to the requirement of a firewall (due to inadequate setback) of the new garage or both garages. Board recommends approval.

Simmermaker – area variance to create a four-acre parcel with zero frontage (behind a parcel) with access via shared driveway owned by Simmermaker. How would utilities be run to a rear parcel? Effect on septic systems? Applicant should have requested subdivision approval first, gotten denied, and then gone to ZBA. Code does not allow flag lots.

Haberneck – area variance for a 29-acre parcel with 60’ frontage vs. required 150’. This is an irregular shaped lot with some wetlands. This would be the creation of an illegal flag lot. Would secondary access be needed for fire company? The site is perfect for a major subdivision; has he considered selling to a developer who could construct a road? The Board would recommend approval with the condition that the parcel not be split except to existing adjacent landowners (extending depth of property).

Unfinished Business

Sign Ordinance and Special Event Permits will be addressed at the April 21st meeting.

John motioned to adjourn the meeting at 10:00 PM, seconded by Mark and all approved.

Respectfully submitted by,

Christine Falkowski
Recording Secretary